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ONE HUNDRED TENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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July 20, 2007

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The Honorable Scott J. Bloch
U.S. Special Counsel
U.S. Office of Special Counsel
1730 M Street, N.W.
Washington, DC 20036

Dear Mr. Bloch:

Thank you for your testimony at the Committee's hearing examining the U.S. Office of Special Counsel on July 12, 2007. At that hearing, Committee members asked that you produce e-mails sent on your personal e-mail account that related to official business. This letter renews that request.

The use of nongovernmental e-mail accounts to conduct official business is of some importance to this Committee. As you know, the Committee is currently investigating whether official business was conducted improperly on nongovernmental e-mail accounts by executive branch officials. Records of official business conducted using private e-mail accounts are at risk of not being preserved in accordance with the Federal Records Act and not being accessible to the public through the Freedom of Information Act and other public access and open government requirements.

In addition, the e-mail disclosed at the hearing and others the Committee is seeking may implicate federal law that prohibits executive branch officials from engaging in lobbying. As you may know, the Committee is already investigating the Department of Transportation for possible unlawful lobbying.

The content and distribution of the e-mail disclosed at the hearing raise these questions. That e-mail was sent to an undisclosed recipient list at 11:52 am on Tuesday, June 19, 2007, from a nongovernmental e-mail account maintained by AOL. Your distribution list for this mass e-mail was large enough that a copy was forwarded to our staff shortly after it was sent.

In the e-mail communication you discuss official governmental business including your agency's reauthorization hearing. You comment inappropriately about the subject of an Office of Special Counsel investigation. You speak disparagingly of former President Clinton, Administrator of General Services Lurita Doan, and two Members of

the U.S. House of Representatives. In addition, you distributed news articles on these subjects attached to the e-mail.

To determine whether you were conducting official business through a personal e-mail account or engaging in prohibited lobbying, the Committee will need to examine this and other e-mails regarding similar subjects and obtain some additional information. Accordingly, this letter renews the Committee's request that you produce all e-mail records from your nongovernmental e-mail accounts, including the AOL account with the address "scottb1132@aol.com," between January 26, 2007 and the present where you:

- a) discuss official business including anything related to Hatch Act violations and Hatch Act investigations;
- b) use the name Lurita Doan;
- c) use the name of any individual currently under investigation by your agency; or
- d) use the name of any government official, including but not limited to Members of the United States Congress.

We also request that you provide the Committee with a list of the names and e-mail addresses of the recipients of the June 19 e-mail and all other e-mail produced in response to this request. The recipient list is just as important as the e-mail content in determining whether you conducted official business or engaged in prohibited lobbying.

In addition to producing all e-mail records responsive to the aforementioned request, the Committee directs you to preserve all e-mail records from all nongovernmental and official e-mail accounts you use or have used since January 26, 2007. As these e-mails may be relevant to congressional investigations, Freedom of Information Act requests, and the Federal Records Act, the Committee also directs you to adequately protect and safeguard these records from destruction or tampering.

We appreciate your continued cooperation. If you have any questions regarding this request, please contact the Committee Staff. Thank you for your attention to this matter.

Sincerely,



Tom Davis
Ranking Member

cc: The Honorable Henry A. Waxman

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July 19, 2007

Mr. Randy Falco
Chairman and Chief Executive Officer
AOL LLC
22000 AOL Way
Dulles, VA 20166

Dear Mr. Falco:

The purpose of this letter is to direct AOL to preserve and protect all e-mail records associated with the account scottb1132@aol.com and any other e-mail account assigned to Scott J. Bloch.

The Committee on Oversight and Government Reform is currently investigating whether the use of this account by a federal governmental official may have violated laws relating to the Federal Records Act and the Freedom of Information Act. Indeed if official government business was conducted on this e-mail account, these records are government property.

Should you have any questions regarding this request, please contact our staff at 202-225-5074. Thank you for your attention to this matter.

Sincerely,



Tom Davis
Ranking Member

cc: The Honorable Henry A. Waxman
The Honorable Scott J. Bloch